

901. Adulteration of tomato sauce. U. S. v. 100 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 1995. Sample No. 13371-E.)

On May 21, 1940, the United States attorney for the District of Oregon filed a libel against 100 cases of tomato sauce at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 24, 1940, by Foster & Wood Canning Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Shurfine Fancy Grade Tomato Sauce, Spanish Style. National Retailer Owned Groceries, Inc., Distributors, Chicago, Ill."

On August 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

902. Adulteration of tomato soup. U. S. v. 249 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 1994. Sample No. 12475-E.)

On May 21, 1940, the United States attorney for the District of Oregon filed a libel against 249 cases of tomato soup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 27, 1940, by the Sunnyvale Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Rancho California Tomato Soup Condensed."

On July 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUIT PRODUCTS

903. Adulteration of apple butter. U. S. v. 25 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 1645. Sample No. 99748-D.)

This product contained arsenic trioxide and lead in amounts which might have rendered it injurious to health.

On March 28, 1940, the United States attorney for the District of Montana filed a libel against 25 cases of apple butter at Kalispell, Mont., alleging that the article had been shipped on or about October 1, 1935, by the Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it contained poisonous and deleterious substances, namely, arsenic trioxide and lead, which might have rendered it injurious to health. The article was labeled in part: "Sunny Jim Brand Pure Apple Butter."

On June 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

904. Adulteration and misbranding of jellies. U. S. v. 33 Jars of Apple Blackberry Jelly, 32 Jars of Apple Strawberry Jelly, 19 Jars of Apple Currant Jelly, 42 Jars of Apple Quince Jelly, 57 Jars of Apple Jelly, and 42 Jars of Apple Raspberry Jelly. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institutions. (F. D. C. No. 1558. Sample Nos. 86190-D to 86195-D, incl.)

Samples from all of the above-named jellies were found to contain added artificial color and acid; and the apple quince jelly also contained added artificial flavor. The contents of the jars of apple currant jelly were found to be short of the declared weight.

On or about March 18, 1940, the United States attorney for the District of Connecticut filed a libel against the above-named jellies at Bridgeport, Conn., alleging that the articles had been shipped in interstate commerce on or about January 17, 1940, by Palmer Fruit Products, Inc., from Long Island City, N. Y.; and charging that they were adulterated and misbranded. Certain lots were labeled in part: "Spencer Farms Pure Apple Blackberry Jelly [or "Pure Apple Strawberry Jelly," "Pure Apple Currant Jelly," "Pure Apple Jelly," or "Pure Apple Raspberry Jelly"]." One lot was labeled in part: "Pure Apple Quince Jelly, artificial color."

Each of the said jellies was alleged to be adulterated in that damage or inferiority had been concealed by the addition of artificial color and acid and in the case of the apple quince jelly, by the addition of artificial flavor also. Each of the said jellies was alleged to be adulterated further in that acid and artificial color, and in the case of the apple quince jelly, artificial flavor also had been added thereto so as to make it appear better or of greater value than it was.

Each of the jellies was alleged to be misbranded in that the following statements were false and misleading as applied to articles containing added acid and artificial color, and in the case of the apple quince jelly artificial flavor also: "Pure Apple Blackberry Jelly"; "Pure Apple Strawberry Jelly"; "Pure Apple Currant Jelly"; "Pure Apple Quince Jelly"; "Pure Apple Jelly"; "Pure Apple Raspberry Jelly." All products were alleged to be misbranded further in that the apple quince jelly contained artificial flavor and the remainder of the jellies contained artificial color, and the labeling did not state those facts.

The apple currant jelly was alleged to be misbranded further in that the statement "Contents 12 Ozs." was false and misleading, since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 26, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the products were ordered distributed to charitable institutions.

905. Adulteration of orange jelly. U. S. v. 15, 19, and 2 Cases of Orange Jelly. Default decree of condemnation and destruction. (F. D. C. Nos. 1641, 1642, 1643. Sample Nos. 90432-D, 90433-D, 90434-D.)

Samples of this product were found to contain excessive mold, indicating the presence of decomposed material.

On March 15, 1940, the United States attorney for the Western District of Washington filed a libel against 36 cases of orange jelly at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 19, 1939, by the Val Vita Food Products Co. from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Pure Orange Jelly Calbart Brand."

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

906. Adulteration of blackberry preserves. U. S. v. 16 Cartons of Blackberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 1920. Sample No. 7437-E.)

This product contained mold, indicating the presence of decomposed material.

On May 6, 1940, the United States attorney for the Southern District of California filed a libel against 16 cartons of canned blackberry preserves at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about August 29 and December 21, 1939, by Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On June 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

907. Adulteration and misbranding of peach preserves. U. S. v. 18½ Cases of Peach Preserves. Default decree of condemnation. Product ordered delivered to charitable institution. (F. D. C. No. 1414. Sample No. 65114-D.)

This product was a thick, jelly-like substance consisting of corn sirup, water, acid, and pectin, and only an insignificant amount of fruit.

On January 26, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 18½ cases of peach preserves at Lexington, Ky., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, by Lutz & Schramm, Inc., from Cincinnati, Ohio; and charging that it was adulterated and misbranded. The labeling bore the words "Peach Preserves" prominently displayed thereon preceded by the words "Imitation Corn Syrup and Fruit Pectin" in small inconspicuous type. The article was labeled further: "Lusco Brand * * * Lusco Food Company Distributors Pittsburgh, Pa. U. S. A."

It was alleged to be adulterated in that a substance, namely a pectin jelly, consisting of corn sirup, water, acid, and pectin, and an insignificant amount of fruit had been substituted wholly or in part for "peach preserves." It was alleged to be adulterated further in that corn sirup, water, acid, pectin, and an insignificant amount of fruit had been mixed in a manner whereby inferiority had been concealed.

The article was alleged to be misbranded in that the name "peach preserves," which was prominently displayed on the label, was false and misleading. It